

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2826

A Bylaw to regulate Maintenance of Property, Unightly Properties and Nuisance

The Municipal Council of the Township of Esquimalt, in open meeting assembled, enacts as follows:

PART I – GENERAL PROVISIONS

TITLE

1. This Bylaw may be cited as the “Maintenance of Property and Nuisance Regulation Bylaw, 2014, No. 2826.”

DEFINITIONS

2. In this Bylaw, all definitions shall be in accordance with the *Community Charter or Local Government Act* except for the following:

“**Accessory Building**” means a building or structure, the use or intended use of which is ancillary to that of the principal building situated on the same Land.

“**Boulevard**” means that portion of the street between the curb lines or the lateral lines of a roadway and the adjoining property line, exclusive of the sidewalk;

“**Building**” means a structure used or intended for supporting or sheltering any use or occupancy.

“**Bylaw Enforcement Officer**” means the Director of Community Safety Services, or a person or persons designated by the Director to carry out any act or function under this Bylaw, and every Bylaw Enforcement Officer employed or appointed by the Township to inspect and enforce any bylaw of the Township.

“**Council**” means the Council of the Township of Esquimalt.

“**Derelict Vehicle**” means a Vehicle which is any one or more of the following:

- (a) physically wrecked or disabled;
- (b) not capable of operating under its own power;
- (c) not displaying a current and valid licence plate in accordance with the *Motor Vehicle Act*.

“**Graffiti**” means one or more letters, initials, symbols, marks, slogans, designs or drawings howsoever made, on any sidewalk, fence, sign, wall, building or any other structure or surface but does not include marks made accidentally, or any of the following:

- (a) a sign, public notice or traffic control mark authorized by the Director, Engineering and Public Works or his or her designate,
- (b) a sign authorized pursuant to the Township’s applicable bylaw provisions regulating signs;

- (c) a public notice authorized by a Township bylaw or by provincial or federal legislation or regulation;
- (d) in the case of private property, a letter, symbol or mark authorized by the Owner or Occupier of the property on which the letter, symbol or mark appears.

~~“Holiday” means New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and December 26.~~

“Invasive Plants” means plants set out in the Schedule to the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation, B.C. Reg. 144/2004, as may be amended or replaced from time to time.

“Land” means any lot, parcel, block or other area in which land is held or into which it is subdivided, but does not include Buildings, improvements, streets, lanes, and Township-owned parks and open spaces.

“Motor Vehicle Act” means the *Motor Vehicle Act*, RSBC 1996, c. 318

“Noxious Weeds” means any plant designated as a weed in the *Weed Control Act*, RSBC 1996, c. 487 and Regulations as amended from time to time.

“Refuse” means all manner of rubbish, trash, garbage, litter, debris, rubble, demolition waste, discarded or disused objects, materials or items, junk, filth, unused or dismantled aircraft, electronic devices, trailers, boats, vessels, machinery, old, discarded or unused mechanical or metal parts, glass or plastic bottles or objects, tin cans or other metal containers, paper, glass, pipes, dilapidated furniture, inoperative appliances and other similar things, unused wood or wood products excluding seasoned untreated wood or manufactured products cut in lengths for use as fuel in solid fuel burning appliances.

“Statutory Holiday” means New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day (December 26), and any other Statutory Holiday proclaimed by the Province of British Columbia or the Federal Government.

“Township” means the Township of Esquimalt.

“Unsightly Property” includes Land that displays any one or more of the following characteristics to such an extent that as a whole it looks unkempt, unmaintained, dilapidated or in disrepair:

- (a) the accumulation of Refuse, Graffiti, or Derelict Vehicles;
- (b) plants, bushes, hedges, shrubs, and trees that are decaying, dying or dead or are demonstrating uncontrolled growth;
- (c) any building, structure, fence, external surface, or parts thereof, that contains holes, breaks, rot, or that is crumbling or cracking, or is covered with rust or peeling paint, or any other evidence of physical decay, neglect, excessive use, or lack of maintenance; or
- (d) any other similar condition of disrepair, dilapidation, deterioration or uncleanness, regardless of the condition of other properties in the neighbourhood.

“**Vacant Building**” means a Building that is not lawfully occupied or that is not lawfully being used for its approved purpose for a continuous period of 60 consecutive days.

“**Vehicle**” means any vehicle as defined in the *Motor Vehicle Act* and shall include, but not be limited to, snowmobiles, dirt bikes and all-terrain vehicles.

“**Weeds**” means Invasive Plants and Noxious Weeds and other plants with similar properties which are likely to spread to or become a nuisance to other properties in the vicinity.

“**Wildlife**” has the meaning as prescribed in the *Wildlife Act*, RSBC 1996, c. 488.

“**Zoning Bylaw**” means the Township of Esquimalt Zoning Bylaw, 1992, No. 2050, as amended or re-enacted from time to time.

APPLICATION

3. This Bylaw applies to all Lands and Buildings within the Township.
4. Every Owner of the Land or Building shall be responsible for maintaining the Land or Building in compliance with the standards set out in this Bylaw and for carrying out or causing to be carried out any work required under this Bylaw to bring such Land or Building into compliance with the provisions of this Bylaw.
5. Every Occupier of land has the duty to ensure the land is maintained in accordance with provisions of this bylaw and may, in addition to the Owner of the Land or Building, also be held responsible for the condition of the Land or Building.

SEVERABILITY

6. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion may be severed and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

REPEAL

7. The following Bylaws are hereby repealed:
 - (a) “*Maintenance of Property Bylaw, 1996, No. 2180*” and amendments thereto;
 - (b) “*Noxious Weeds Bylaw, 1976, No. 1527*”; and
 - (c) “*Noise Control Bylaw, 2007, No. 2677*”.

PART II – STANDARDS FOR MAINTENANCE OF PROPERTY

UNSIGHTLINESS, UNSANITARY CONDITIONS AND GRAFFITI

8. (1) No Owner or Occupier shall cause or permit Refuse or noxious, offensive or unwholesome objects, materials or items from collecting or accumulating on or around the Land of that Owner or Occupier.

- (2) No Owner or Occupier shall cause or permit the Land of the Owner or Occupier to become or remain an untidy or Unsightly Property.
 - (3) No Owner or Occupier of Land shall cause or permit unsanitary conditions or any conditions that are a health, fire or other hazard to exist on the Land of that Owner or Occupier.
 - (4) All Land shall be kept clear from dilapidated, collapsed or unfinished Buildings.
 - (5) No person shall place Graffiti or permit Graffiti to remain in such a manner as to be visible from a highway, public place or other Land.
9. Section 8 shall not be deemed to prevent the lawful storage and keeping of material in or on any non-residential Land, if a lawful use requiring that material is conducted on the Land and the materials are stored in a tidy and orderly manner.

PLANTS, WEEDS AND LAWN OVERGROWTH

10. (1) No Owner or Occupier shall cause or permit Weeds or other unintended plants to grow or accumulate on the Land of that Owner or Occupier.
- (2) No Owner or Occupier shall cause or permit the lawn on the Land of that Owner or Occupier to grow in height beyond the prevailing standard in the neighbourhood, but in any event, not beyond 25 cm. (10 in.) in height.
- (3) No Owner or Occupier shall cause or permit any trees, hedges, bushes, shrubs or other plant growth that is a hazard to the safety of persons, likely to damage public property or seriously inconvenience the public, to remain on the Land of that Owner or Occupier.

DERELICT VEHICLES

11. (1) No Owner or Occupier shall cause or permit the storage or accumulation on the Land of the Owner or Occupier of a Derelict Vehicle or parts of a Derelict Vehicle or of a wrecked, broken or dismantled trailer, boat or mechanical equipment.
- (2) Subsection (1) shall not comply where the Zoning Bylaw permits the principal use of wholesaling or retailing, storing or parking of wrecked, broken or dismantled materials or equipment or Derelict Vehicles and only provided that they are stored in a manner so as not to be visible from a highway, public place or other Land.

DRIVEWAYS, WALKWAYS AND FENCES

12. (1) Every Owner or Occupier shall maintain driveways, walkways, steps, parking spaces, and loading areas on the Land of the Owner or Occupier in a clean, fit, and safe condition free from Refuse or noxious, offensive or unwholesome objects, materials or items so as to ensure safe passage under normal use and weather conditions, and shall dispose of such objects, materials or items otherwise than depositing it upon the street.

- (2) Every Owner or Occupier shall maintain outdoor lighting equipment and its supports in safe and proper working condition.
- (3) Every Owner or Occupier shall maintain any fence on the Land of that Owner or Occupier in good condition and repair, and shall repair such fence if it falls into a state of disrepair.

SIDEWALKS AND BOULEVARDS

13. Every Owner or Occupier of any Land abutting or fronting upon a portion of a sidewalk shall cause such portion of the sidewalk to be cleared and kept clear of all snow, ice, dirt, Refuse. or noxious, offensive or unwholesome objects, materials or items, and shall dispose of the same otherwise than depositing it upon the street.
14. Every Owner or Occupier of any Land shall cause such portion of the boulevard that is located in front of or adjacent to such Land to be maintained:
 - (i) free of Weeds,
 - (ii) so that the grass is trimmed in compliance with subsection 10 (2) hereof;
 - (iii) kept clear of all Refuse or noxious, offensive or unwholesome objects, materials or items,and shall dispose of such Weeds, grass trimmings, Refuse and all such objects, materials or items otherwise than depositing it upon the street.

PEST INFESTATIONS

15. Every Owner or Occupier of any Land or Building shall prevent or cause to be prevented infestation by rodents, vermin or other noxious or destructive insects or animals.

DRAINAGE

16. (1) Every Owner shall ensure that all surface water originating from the Owner's Land is contained on that Land and is drained from such Land by an acceptable method so as to prevent water from entering into a Building or basement or onto any other Land.
 - (2) No Owner or Occupier shall cause or permit water to enter onto any adjoining property, or to accumulate or pond on the Land of the Owner or Occupier, unless the ponding or drainage is a natural occurrence.
 - (3) No Owner or Occupier shall cause or permit an excavation or basement area left after a Building is demolished to become or remain filled with water.

CONSTRUCTION AND DEMOLITION

17. All construction conducted on Land shall be carried out in a tidy and orderly manner, and all construction materials and equipment shall be properly and safely stored when not in use.

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18. Notwithstanding section 33 (2) of this bylaw, a person, Owner or Occupier may carry out construction or demolition works, or the excavation for such works, that disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the public, only:
- (1) Between 7:00 a.m. and 7:00 p.m. on a weekday (Monday through Friday) that is not a Statutory Holiday; and
 - (2) Between 9:00 a.m. and 6:00 p.m. on a Saturday that is not a Statutory Holiday.
19. For greater certainty, construction or demolition works, or the excavation for such works, that disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the public is prohibited on Sundays and Statutory Holidays.
18. Every Owner or Occupier shall remove or cause to be removed from the Land of the Owner or Occupier all debris and material, whether to be discarded or retained, from a demolition of any Building on the Land within two (2) weeks of the demolition being completed.
19. Immediately upon completion of the demolition but in any event within 24 hours of receipt of written notice from the Bylaw Enforcement Officer, any basement or other excavation remaining after demolition shall be filled in or covered over to lot grade level and such site shall be left in a tidy condition.

VACANT BUILDINGS

20. (1) Every Owner of a Vacant Building must ensure that the Vacant Building is secure from unauthorized entry.
- (2) Every Owner of a Vacant Building shall secure the Vacant Building to the satisfaction of the Bylaw Enforcement Officer within 24 hours of receipt of written notice from the Bylaw Enforcement Officer.

ACCESSORY BUILDINGS

21. Every Accessory Building on Land shall be constructed and maintained with suitable and uniform materials, free from health, safety and fire hazards, and shall be kept in good repair and protected by paint, preservatives or other weather-resistant material.

RETAINING WALLS

22. Retaining walls on Land shall be constructed to be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazards.

STRUCTURAL INTEGRITY

23. All Buildings and their structural members shall be maintained in good repair and in a manner that provides sufficient structural integrity so as to sustain safely its own weight and any additional loads and influences to which it may be subjected through normal use.

FOUNDATIONS

24. Foundation walls and other supporting members shall be maintained in good repair so as to control the entrance of moisture and water into a Building.

EXTERIOR DOORS AND WINDOWS

25. (1) Exterior doors, windows, skylights, and hatchways shall be maintained in good repair and weather tight.
- (2) Openings in exterior walls, other than doors and windows, shall be effectively sealed to prevent the entry of rodents, vermin or other noxious or destructive insects or animals.
- (3) Latching and locking devices on exterior doors and windows shall be maintained in good working order.
- (4) Doors providing automobile access to parking garages for residential parking shall be maintained at all times in good working order and repair.

ROOF AND ROOF DRAINAGE

26. (1) The roof of every Building, including the flashing, fascia, soffit, and cornice shall be maintained in a weather tight condition so as to prevent leakage of water into the Building.
- (2) Eavestroughs and downspouts shall be kept in good repair, and free from leaks.
- (3) All roof drain down spouts which are not connected to a municipal storm sewer shall be maintained such that soil erosion is prevented.

STAIRS, BALCONIES AND PORCHES

27. (1) Stairways, balconies, porches and landings in, on or appurtenant to a Building shall be maintained in a safe and clean condition, in good repair, and free from holes, cracks, excessive wear and warping, and hazardous obstructions.
- (2) Handrails and guards shall be maintained in good repair, and any replacements shall conform to the *B.C. Building Code*.

EXTERIOR WALLS, COLUMNS AND PROJECTIONS

28. (1) Exterior walls, parapet walls, columns, and their components shall be maintained in good repair, weather-tight and free from loose and unsecure objects and material, and in a manner so as to prevent or retard deterioration due to weather.
- (2) The protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the Building.
- (3) Graffiti, painted slogans, smoke damage or other markings, stains or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain

the exterior surface, the surface of these areas shall be restored, resurfaced and coordinated to the exterior finish of the Building.

- (4) Canopies, marquees, signs, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments, extensions and their supporting members shall be maintained in good repair, properly and safely anchored, and protected from the elements by paint or other protective coating, so as to prevent deterioration, decay and rust.
- (5) Exterior wall facings, projections, cornices and decorative features shall be maintained in good repair, and shall be safely and properly anchored.

CIVIC NUMBERING

29. An Owner or Occupier of a Building shall display in a conspicuous place on the Building or on property on which the Building is located the street number assigned by the Township. The number must be placed in a location such that it is unlikely to become obstructed by foliage or other matter and must be placed in such location that the number faces the street and must be of sufficient size that it is easily readable from the street.

PART III - NUISANCES

LITTERING

30. No person shall deposit or throw Refuse or noxious, offensive or unwholesome objects, materials, or items on a highway, public place, or any Land.

FEEDING WILDLIFE

31.
 - (1) No person shall intentionally feed, attempt to feed, or leave food out for the purpose of feeding any Wildlife, racoons, eastern grey squirrels (*Sciurus carolinensis*), deer (members of the family *Cervidae*), or Canada Geese..
 - (2) No Owner or Occupier shall permit or allow fruit from a tree or bush to fall on the ground and accumulate in such a manner that it attracts or is likely to attract Wildlife or deer (members of the family *Cervidae*).
 - (3) This Section does not apply to any person who is engaging in hunting or trapping of Wildlife in accordance with the *Wildlife Act* and its Regulations.

ODOUR AND DISTURBANCES

32. No Owner or Occupier shall emit, make or cause or permit to be emitted or made from any Land or Building any odour, vibration, illumination, dust or other matter which disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

NOISE CONTROL

33. (1) Subject to the other provisions of this Bylaw,
- (a) No person shall make, cause, allow or permit a noise or sound in a street, park, plaza or similar public place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity;
 - (b) No Owner or Occupier shall make, cause, allow, or permit a noise or sound on the Land or Building of the Owner or Occupier, which can be easily heard by a person not on the same Land or Building and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
 - (c) No Owner or Occupier shall cause or permit audio advertising which:
 - (i) is directed at pedestrians or motorists on any street or sidewalk, or
 - (ii) can be heard on any street or sidewalk.
- (2) For greater certainty, no person shall make, cause, allow or permit a noise or sound which disturbs or tends to disturb or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity, between the hours of 10:00 p.m. and 7:00 a.m. on a Monday to Friday, and between the hours of 10:00 p.m. and 9:00 a.m. on a Saturday, Sunday or **Statutory** Holiday.
34. (1) Without limiting the generality of ~~Section 33~~ **Sections 18, 19, and 33**, the following noises, sounds and conduct are specifically prohibited:
- (a) shouting, using a megaphone or sound amplification device or making other noise in, at or on streets, parks, wharves, docks, piers, boat landings, or other public places;
 - (b) the playing of any radio, stereophonic equipment, television, musical instrument or sound amplification device or apparatus, or any outdoor public address system, whether in or upon a private property or in any public place at such a volume as to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (c) the keeping or harbouring of any dog, bird or other animal, which barks or emits cries or other noises in a persistent manner that may easily be heard by a person not on the same Land and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (d) the operation of any automobile, truck, motorcycle, bus or other motorized vehicle which by reason of disrepair, the use of a muffler that fails to cool and expel exhaust gases from the engine without excessive noise, mode of operation of the vehicle (squealing of tires except during emergency braking to avoid accidents, over-revving of engine or excessive acceleration of vehicle) or any other cause, creates noise or sound which

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- disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (e) the production of amplified sound from a radio, other playback device, amplification equipment, or musical instrument that emanates from a motor vehicle and can easily be heard by a person of normal hearing acuity at a distance of 5m (16.4 ft.) or more from the vehicle;
 - (f) the idling or other continuous running of the engine of a truck or bus for more than three minutes at the same location, except where the truck or bus is located within a garage or depot intended to be used for the long term parking of that vehicle; and
- (2) The noises and sounds prohibited in subsection (1) are considered by Council to be objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

EXEMPTIONS

35. Section 33 does not apply to:

- (a) a vehicle of the Police or Fire Department of the Township, or an ambulance or other public service or emergency vehicle while engaged in a service of the public convenience or necessity;
- (b) the sounding of a horn or other signaling device upon any vehicle or boat where it is properly and necessarily used as a danger or warning signal;
- (c) the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if a permit or approval for the event has been issued by the Township;
- (d) the use of bells or chimes by places of worship, and the use of carillons where such carillons have been lawfully erected;
- (e) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, if that is permitted in the Township under a bylaw or statute;
- (f) a sound or noise resulting from the use, in a reasonable manner, of the premises of a Community Care Facility duly licensed under the *Community Care and Assisted Living Act*, or from the use of a similar institution;
- (g) a solid waste collection services conducted between 6:00 a.m. and 8:00 p.m. Monday to Friday or between 10:00 a.m. and 8:00 p.m. on a Saturday, Sunday or **Statutory** Holiday;
- (h) municipal works including, but not limited to, the construction, maintenance or repair of Township facilities, properties, parks, streets, or sewers and other

- services carried out by employees or contractors of the Township or any public utility;
- (i) maintenance work conducted by the Township's Parks and Recreation Department staff between 7:00 a.m. and 10:00 p.m. on any day; or until 12:00 midnight for any work relating to a special event;
 - (j) snow clearing, sanding and cleaning of streets and sidewalks by employees or contractors of the Township;
 - (k) emergency repairs to any Building which cannot reasonably be delayed until normal working hours;
 - (l) any person operating within the terms and conditions imposed by a permit duly issued by the Township; and
 - (m) construction or demolition work in accordance with an approved permit duly issued by the Township conducted between the hours permitted under ~~subsection 33(2)~~ **sections 18 and 19 of this bylaw.**

PERMITS

36. (1) A person may submit an application for a permit.
- (a) to the Chief Building Inspector in regards to noise prohibited by ~~Section 33~~ **Sections 18, 19, and 33** if it is impractical or impossible to comply with that Section.
 - (b) to the Director of Parks & Recreation regarding outdoor special events on public property if it is impractical or impossible to comply with Section 33 as a result of an outdoor special event.
- (2) The Chief Building Inspector and Director of Parks & Recreation may issue a permit and may make such permit subject to conditions relating to time, duration and frequency of the noise.
- (3) An application for a permit must be in writing and must contain all of the following:
- (a) the name, address and contact information of the applicant;
 - (b) the civic address of the location of the works or events;
 - (c) the building permit number, if applicable;
 - (d) the reasons for the requested exemption;
 - (e) a description of the source of noise in respect of which the exemption is sought;
 - (f) the exact period of time for which the exemption is requested;

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- (g) a statement of the measures planned or being taken to minimize the sound or noise created;
 - (h) such other information as the Chief Building Inspector or Director of Parks & Recreation may require; and
 - (i) a non-refundable application fee of \$50.00.
- (4) An application for a permit must be submitted to the Township within the following time limits for the following work or event for which the exemption is requested:
- (a) at least 10 business days before construction work;
 - (b) at least 6 weeks before an outdoor special event that does not require street closures;
 - (c) at least 4 months before an outdoor special event, at which more than 1,000 individuals are expected to attend, that requires street closures.
- (5) The Chief Building Inspector or Director of Parks & Recreation may reduce the time limit within which an application is required to be made under subsection (4) in the event of an emergency or other unforeseen circumstance.
- (6) The Director of Parks & Recreation may seek the direction of Council before issuing a permit for an outdoor special event.
- (7) The Chief Building Inspector or the Director of Parks & Recreation must advise a person who is denied a permit of that person's right to have the matter reconsidered by Council.
- (8) A person who has been refused a permit may apply to have Council reconsider that decision in accordance with the following procedures:
- (a) the person may apply by written notice to the Corporate Officer within 14 days of being advised of the decision to refuse the permit;
 - (b) the person may address Council in writing or in person concerning the request for the permit; and
 - (c) Council may allow or refuse the permit, subject to such terms and conditions as Council may determine appropriate.

PART IV - ENFORCEMENT

ENTRY ON PROPERTY

37. (1) The Bylaw Enforcement Officer may enter at all reasonable times upon any Land or within any Building in order to ascertain whether the requirements of this Bylaw are being complied with.

- (2) Notwithstanding clause (1) hereof, where a Building contains any lawfully occupied dwelling unit, the Bylaw Enforcement Officer shall first obtain the consent of the Owner or Occupier, or the Occupier shall first be given 24 hours written notice of the intention to enter the Building.
- (3) No person shall prevent or obstruct, or attempt to prevent or obstruct the Bylaw Enforcement Officer from entry onto any Land or into any Building.

NOTICE TO COMPLY

38. In addition to any other remedy permissible pursuant to any Statute, Regulation, bylaw, or otherwise at law, if the Bylaw Enforcement Officer determines that the requirements of this Bylaw are not being met with respect to the Land or Building of an Owner or Occupier, the Bylaw Enforcement Officer may, by written notice, require the Owner or Occupier of the Land or Building to comply with this Bylaw.
39. Each notice pursuant to this Bylaw shall contain:
 - (a) the name of the Owner or Occupier to which it is directed, and the municipal address or location of the Land or Building to which it applies;
 - (b) particulars to describe how the Land or Building fails to conform to the standards set out in this Bylaw;
 - (c) reasonable particulars of what is required in order to bring the Land or Building into compliance with the standards set out in this Bylaw;
 - (d) a reasonable time within which the repairs, work or other actions are to be completed;
 - (e) a statement that in the event such repairs, work or other actions are not completed within the time given, the matter may proceed to Council for an order to comply; and
 - (f) a statement that in the event such repairs, work or other actions are not completed within the time given in the Council order, the Township may proceed to carry out such repairs, work or other actions, and the costs of such will be charged to the Owner or Occupier, and if not paid by December 31st of that year, will be added to the property taxes as taxes in arrears.
40. Any notice required to be given pursuant to this Bylaw shall be served in the following manner:
 - (a) personally delivered to the person to whom it is addressed,
 - (b) left with a person apparently over the age of sixteen years at the location of the Land or Building,
 - (c) mailed by registered mail to the most recent address of the person to whom it is addressed as shown on the Township's Property Tax records, or

- (d) posted in a conspicuous place on or near the front entrance of the Building to which it relates.

ORDER TO COMPLY

41. If an Owner or Occupier fails to comply with the notice from the Bylaw Enforcement Officer, Council may order that the Owner or Occupier comply within a time specified in the order, with the specific regulations, prohibitions and requirements of this Bylaw that are not being met in respect of the Land or Building of the Owner or Occupier.
42. Prior to Council making an order, the Owner or Occupier of the Land or Building shall be given the opportunity to be heard by Council in respect of the matter contained in the notice of the Bylaw Enforcement Officer.
43. If the Owner or Occupier fails to comply with an order of Council, the Township, by its employees, contractors and agents, may take action in accordance with Section 17 of the *Community Charter*, SBC, 2003, c. 26, to fulfil the requirements of the order and to recover the costs of doing so from the Owner or Occupier of the Land or Building which is subject to the order.
44. In the event any of the costs of carrying out the order of Council remains unpaid by December 31st of that year, the costs may be added to the property taxes and recovered as taxes in arrears.

PENALTIES

45. (1) A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction of a fine of not more than \$10,000 (Ten Thousand Dollars), the cost of enforcement proceedings, and any other penalty or order imposed pursuant to the *Community Charter*, SBC, 2003, c. 26 or the *Offence Act*, RSBC, 1996, c. 338, as amended from time to time.
- (2) Each day that an offence against the Bylaw continues or exists shall be deemed to be a separate and distinct offence.

READ a first time this 9th day of June, 2014

READ a second time this 9th day of June, 2014

READ a third time this 9th day of June, 2014

ADOPTED this 23rd day of June, 2014

BARBARA DESJARDINS, MAYOR

ANJA NURVO, CORPORATE OFFICER